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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,851	11/19/2003	Quin Soderquist	14291	1718

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EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/717,851	Applicant(s) SODERQUIST, QUIN	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14-40, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 9, 17-19, 23, 32, 33 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 10, 11, 14-16, 20-22, 24-31, 34-38, 40, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Due to the language added to claim 1 in the amendment filed February 20, 2007, claim 14 claims duplicate subject matter and fails to further limit claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16,20,22,25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Anglsperger (USPN 6,443,484).

Anglsperger discloses an airbag cover having a substrate (1) having an exposed surface, at least one tear seam (3,3a) disposed in the exposed surface. The tear seam is a “narrow point” in shape and in thickness that facilitates rupturing of a unitary appliqué film (4). The appliqué film (4) is disposed on the exposed surface across the tear seam, wherein the tear seam and appliqué film are frangible and rupture in

Art Unit: 3616

response to expansion of an inflatable cushion to permit the cushion to deploy through the substrate and appliqué film. The appliqué film comprises a single layer.

When viewing Figures 4-5, Anglsperger discloses the appliqué film (4) having contours that are aligned with corresponding contours in the substrate to produce a 3-D emblem. This structural detail is considered to be an emblem and a structural detail that is part of the "vehicle manufacturer's logo". The shape of the contours in the substrate correspond to the shape of the emblem design of the appliqué film.

The substrate of Anglsperger is shown to be a flap that moves about a "hinge" portion (see Fig. 6) therefore, the substrate comprises a hinged flap.

With respect to the addition of an element disclosed by Anglsperger as a separately attached emblem, that does not prevent Anglsperger recessed portion from being considered a three-dimensional emblem.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,5-8,10,11,14,15,31,34-38,40,42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirt et al. (USPN 5,533,748) in view of Preisler et al. (USPN 6,180,207)

Wirt et al. discloses an airbag cover having a substrate (38 and 46) (as best shown in Figs. 6 and 8) having an exposed surface, at least one tear seam (28) disposed in the exposed surface. The tear seam is a “narrow point” in shape and in thickness that facilitates rupturing of a unitary appliqué film (18). The appliqué film (18) is disposed on the exposed surface across the tear seam, wherein the tear seam and appliqué film are frangible and rupture in response to expansion of an inflatable cushion to permit the cushion to deploy through the substrate.

The substrate (38 and 46) includes a hinge (32) which therefore defines the substrate as a hinged flap.

The substrate (see col. 6, lines 17-22), the substrate comprises an injected material.

Wirt et al. discloses an airbag cover having a substrate (see col. 5, lines 28-30) having a thickness in the range of 1 to 2.5 mm, with that thickness being adjacent a tear seam.

However, Wirt et al. does not disclose an appliqué film (coating) that is substantially transparent that extends across the tear lines and is torn during the inflation of the airbag.

Preisler et al. discloses an airbag cover having appliqué film (considered a clear coat (12). This reference is used to teach the use of a protective “substantially transparent” layer over an airbag door/element for the purpose of protection and aesthetics. Obviously, the clear coat layer of Preisler et al. would have a thickness of no greater than 0.5 or 1.0 mm since clear coat layers are very thin.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag cover of Wirt et al. so as to provide a "substantially transparent" appliqué film/clear coat as taught by Preisler et al. so as to provide protection for the surface the airbag cover.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger (USPN 6,443,484) in view of Watanabe et al. (USPN 5,172,932).

Anglsperger has been discussed about but does not disclose the thickness of the appliqué film.

Watanabe et al. discloses an airbag cover having an "appliqué film" (32). The thickness (see col. 3, line 20-25) is disclosed in the range of 0.2 to 10 mm.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the thickness of the appliqué film of Aglsperger at not greater than 0.5 mm or no greater than 1.0 mm, as these thicknesses are taught by Watanabe et al. as desired thicknesses that would ensure stability and proper tearing of the appliqué film.

Furthermore, it is within the skill of one of ordinary skill in the art to provide a particular dimension (thickness) of the disclosed relative elements in the claimed ranges since it has been held that making an element a certain dimension or size involves only routine skill in the art.

Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger 9USPN 6,443,484) in view of Wirt et al. (USPN 5,533,748).

Anglsperger has been previous discussed, but does not disclose the thickness of the substrate or that the substrate comprises an “injected material”.

Wirt et al. discloses an airbag cover having a substrate (see col. 5, lines 28-30) having a thickness in the range of 1 to 2.5 mm, with that thickness being adjacent a tear seam. Furthermore, the substrate (see col. 4, lines 17-21) is “injected with a material”.

It would have been obvious to provide a substrate that “comprises an injected material” and is “at least 2.5 mm thick adjacent a tear seam” in the arrangement of Anglsperger and as is taught by Wirt et al. so as to provide a sturdy substrate made of an injected material.

Furthermore, it is within the skill of one of ordinary skill in the art to provide a particular dimension (thickness) of the disclosed relative elements in the claimed ranges since it has been held that making an element a certain dimension or size involves only routine skill in the art.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger (USPN 6,443,484) in view of Hlywka et al. (USPN 5,961,143).

Anglsperger has been previously discussed but does not disclose the appliqué film having a tear seam aligned with the tear seam of the substrate.

Hlywka et al. discloses an airbag cover comprising a substrate (as best seen in Figure 3) having a “hinged flap” and a tear seam (32) in an appliqué film (26) that is

aligned with a tear seam of the substrate. These structural details perform the function of allowing the “flaps” of the substrate to more easily be moved and the film to be more easily ruptured as the airbag is expanded through the airbag cover.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag cover of Anglsperger to provide a hinged flap in the airbag cover and provide a tear line in the film and aligned with the tear line in the substrate as taught by Hlywka et al. so as to allow the arrangement to more easily be ruptured and pivoted out of the way during expansion of the airbag.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger al. (USPN 6,443,484) in view of Preisler et al. (USPN 6,180,207) cited by Applicant.

Anglsperger has been previously discussed but does not disclose that the appliqué film is “substantially transparent”.

Preisler et al. discloses an airbag cover having appliqué film (considered a clear coat (12). This reference is used to teach the use of a protective “substantially transparent” layer over an airbag door/element for the purpose of protection and aesthetics. This clear coat layer would also have a corresponding shape to the emblem details.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag cover of Anglsperger so as to provide a



Art Unit: 3616

"substantially transparent" appliqué film (clear coat) as taught by Preisler et al. so as to provide a protective layer to the airbag cover.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1+, 31+, 43 have been considered but are moot in view of the new ground(s) of rejection.

Due to the new rejections and interpretations with respect to the transparency of the film, this action is Non-Final. This limitation was in originally filed claims 14 and 29.

With respect to Applicant's argument (with respect to Claim 16) that Anglsperger does not show the shape of the contours of the substrate corresponding to the shape of the emblem design, Examiner disagrees and maintains the rejection. Examiner again points to Figure 4,5. The substrate is recessed to accept the corresponding shape of the emblem design of the applique film (when finally assembled). Examiner is unsure whether Applicant is intending to claim the shapes of the emblem (within the appliqué film) prior to final assembly positioning and that these shapes are the same as shapes in the substrate and are thus aligned (similar to Applicant's Figure 3). If this is the case, Applicant is reminded that characteristics of the intermediate product or elements of the product are not patentably distinct from the structure of the elements in the final assembly state.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abrams et al. (USPN 6,544,634), Arpac et al. (USPN 6,620,514).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
May 28, 2007



 5/29/07  
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